

**UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS  
WASHINGTON, D.C.**

**Before  
J.A. FISCHER, D.C. KING, T.H. CAMPBELL  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**CALEB Z. JONES  
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201500213  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 3 April 2015.

**Military Judge:** Col D.J. Daughtery, USMC.

**Convening Authority:** Commanding Officer, Combat Logistics  
Regiment 35, 3d Marine Logistics Group, Okinawa, Japan.

**Staff Judge Advocate's Recommendation:** Maj M.C. Evans,  
USMC.

**For Appellant:** Maj Jeffrey Stephens, USMCR.

**For Appellee:** Mr. Brian Keller, Esq.

**24 September 2015**

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**OPINION OF THE COURT**  
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After careful consideration of the record, submitted without assignment of error, we note that neither the results of trial, incorporated into the staff judge advocate's recommendation by reference, nor the convening authority's action reflects the military judge's conditional dismissal of the sole specifications under Charge III and Charge VII pending finality of the proceedings, findings and sentence pursuant to Article 76, Uniform Code of Military Justice, 10 U.S.C. § 876. As we find no prejudice resulting from these errors, we affirm the findings and sentence as approved by the convening authority. To ensure record accuracy regarding the error in the court-martial promulgating order, we direct that the

supplemental promulgating order reflect that Charge III and Charge VII, along with their respective sole specifications, were conditionally dismissed at trial. *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998).

For the Court

R.H. TROIDL  
Clerk of Court